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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,157	07/17/2003	Warren R. White	2106-00101	1912
23505	7590	04/26/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267				GRILES, BETHANY L
ART UNIT		PAPER NUMBER		
		3643		

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Applicati n N .	Applicant(s)
	10/622,157	WHITE, WARREN R.
	Examin r	Art Unit
	Bethany L. Griles	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 12-17,28-31,33 and 34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 12-17,28-31,33 and 34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0420.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/9/2004 have been fully considered but they are not persuasive. Regarding claim 12, examiner asserts that if the squeeze chute of Mollhagen would remain "stationary on a horizontal plane with respect to the set of wheels...". The fact that the squeeze chute of Mollhagen extends from the extension base 108 does not preclude that it remains on a horizontal plane with the wheels. Overall, the suggestion that Mollhagen does not anticipate the immediate application as claimed cannot be accepted by the examiner. As such, neither the arguments nor the amendment place the claim or its dependent claims (13-17 and 32) in condition for allowance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-17, 28-31, 33, 34 are rejected under 35 U.S.C. 102b as being anticipated by Mollhagen US RE33959.

1. Regarding claim 12, Mollhagen discloses a trailer having a frame 28, 86 and at least one set of wheels 136; a squeeze chute mounted on the trailer (col 7, line 50); wherein an entrance portion of the squeeze chute faces the back of the trailer (col 7,

line 49) and an exit portion of the squeeze chute faces the front of the trailer (atop element 108); wherein at least one set of wheels are adapted to raise relative to the frame of the trailer such that a portion of the frame of the trailer rests at ground level when treating animals (col 6, lines 50-63).

2. Regarding claim 13, Mollhagen discloses an offset walkway (col 4, lines 38-45), forcing animals to proceed in single file to the entrance of the squeeze chute (see fig 3)

3. Regarding claims 14 and 29, Mollhagen discloses a first gate 49, a second gate 63 and a third gate 102.

4. Regarding claim 15, Mollhagen discloses a set of fence panels connected to the back of the trailer (col 4, lines 14-29) wherein the fence panels fold up proximate to the back of the trailer for relocation, and wherein the panels form a squeeze pen when unfolded.

5. Regarding claims 16 and 30, Mollhagen discloses a first fence panel connected to and extending substantially perpendicularly from the back of the trailer when in the unfolded configuration 40; a second fence panels connected to and extending substantially perpendicularly from the back of the trailer, connected on a second side of the offset walkway (col 4, lines 38-45); a circular fence panel 36 connected to the second fence panel 49 ; and a gate panel 49 connected to the first fence panel, configured to swing within an area bounded in part by the circular fence panel (see fig 6).

Art Unit: 3643

6. Regarding claims 17 and 31, Mollhagen discloses a first hydraulic cylinder 162 connected to a wheel 136 on the first side of the trailer; and a second hydraulic cylinder 162 connected to a wheel 136 on the second side of the trailer.

7. Regarding claim 28, Mollhagen discloses a trailer having a frame 28, 86 and at least one set of wheels 136; a squeeze chute mounted on the trailer (col 7, line 50); an offset walkway (col 4, lines 38-45); a plurality of gates 49, 63, 102; a set if fence panels (col 4, lines 14-29) that open to form a squeeze pen (fig 6); and wherein at least one set of wheels are adapted to raise relative to the frame of the trailer such that at least a portion of the frame of the trailer rests at ground level when treating animals (col 6, lines 50-63).

3. Regarding claim 33, Mollhagen discloses a trailer having a tongue 123 a frame 86, at least one set of wheels 136; and a squeeze chute (col 7, line 54) coupled to the frame of the trailer, and wherein the position of the squeeze chute relative to the tongue 123 is the same for both treating animals using the squeeze chute and relocation of the trailer (no movement of the tongue relaitive to the chute is necessary, as the chute is located at the rear of the trailer and the tongue at the front of the trailer); wherein at least one set of wheels is adapted to raise relative to the frame of the trailer such that at least a portion of the frame of the trailer rests at ground level while treating animals (col 6, lines 25-26).

4. Regaring claim 34, Mollhagen discloses the squeeze chute has an entrance and an exit portion (inherent), wherein the exit portion faces the tongue of the trailer.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mollhagen in view of Lerma et al. (US 4842316).

7. Regarding claim 32, Mollhagen discloses substantially the invention as claimed.

8. Mollhagen does not disclose the trailer has a computer, a sink, or a refrigerator.

9. Lerma et al. disclose a trailer with a sink 30 attached.

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a sink attached to a trailer of Lerma et al. to the trailer of Mollhagen, as the trailer of Mollhagen is used to treat animals, and the use of a sink or other washing area would be necessary for hygienic and convenience purposes.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bethany L. Griles
Examiner
Art Unit 3643

blg



Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600

4/20/04